

**REMARKS**

Claims 1-13 are in this application with claims.

Claims 1, 9, 12, and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Holmer (U.S. Publication No. 2005/0066205).

Claims 1-4 and 8-13 stand rejected under 35 U.S.C. 103(a) as being anticipated by King (U.S. Publication No. 2003/0210271) in view of Holmer.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over King and Homer as applied to claims 1-4 and 8-13, and further in view of Alben (U.S. Patent No. 6,938,176).

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over King and Holmer as applied to claims 1-4 and 8-13, and further in view of Martinez (U.S. Patent No. 7,076,675).

The earliest filing date of Holmer is September 18, 2003. Applicant claims prior invention and submits evidence that the claimed invention antedates this cited reference. To establish Applicants' prior invention, Applicants submit the following:

The present application was filed on October 19, 2006 claiming priority to International Application No. PCT/JP01/13446, which was filed on October 21, 2003. The Examiner has acknowledged receipt of the certified copy of the priority document.

Applicant is submitting herewith Exhibits A-B and a Declaration Under 37 CFR 1.131 of Mr. Hisao Wada who was manager of the patent department of Sony Computer Entertainment Inc.

(the assignee of the current application) the time the claimed invention was being reduced to practice, declaring that the claimed invention for which a patent is sought in the above-captioned application was conceived prior to September 18, 2003, as evidenced by the “New PCT Application Request Form” and “Invention Report” dated September 11, 2003 (and identified as Exhibit A herein). Applicant diligently reduced the claimed invention to practice by at least the filing of the International Application on September 11, 2003.

Applicant respectfully submit that Mr. Wada’s Declaration and the supporting documentary evidence demonstrate Applicant’s conception of the invention at least by the date of the “New PCT Application Request Form” and “Invention Report” made on September 11, 2003. Mr. Wada’s Declaration and accompanying documentary evidence further demonstrate Applicant’s continuous and diligent work in reducing the invention to practice. Applicants’ consistent and diligent reduction to practice was consummated at least by the filing of International Application No. PCT/JP01/13446 on October 21, 2003.

For at least the foregoing reasons, Applicant respectfully submit that Holmes is not prior art to the claimed invention. Accordingly, Applicant request that the Examiner allow claims 1-13.

It is noted that a Statement Under 37 CFR 3.73(b) is also being submitted herewith.

### **Conclusion**

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Linda S. Chan/

Linda S. Chan

Reg. No. 42,400

**CUSTOMER NUMBER 026304**

Telephone: (212) 940-8712

Fax: (212) 940-8986 or 8987

Attorney Docket No.: SCEP 22.522 (100809-00324)